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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SWALLEY IRRIGATION DISTRICT,
corporation,

Civ. No. 04-1721-AA

OPINION AND ORDER

Plaintiff,

v.

GARY CLEMENT ALVIS, et al.,

Defendants.

AIKEN, Judge:

On June 25, 2006, plaintiff filed a second Motion for Partial Summary Judgment, seeking a declaration that it may convert an irrigation canal into a pipeline over defendants' land located within Section Sixteen, Township Seventeen, South of Range Twelve East of the Willamette Meridian. Plaintiff relies on three Oregon legislative acts: The Act of February 18, 1891, the Act of February 18, 1899, and the Act of February 22, 1905. In my previous order on plaintiff's first motion for partial summary judgment, I granted plaintiff leave to amend its complaint and

include allegations with respect to land located within Section Sixteen, Township Seventeen, South of Range Twelve East of the Willamette Meridian, and to provide a copy of the contract, statute, or other legislation on which plaintiff relies. In its recent motion for partial summary judgment, plaintiff indicates that copies of the 1891, 1899, and 1905 Acts are attached to the amended complaint, but neither the Amended Complaint or the Second Amended Complaint contains such attachments.

Accordingly, within 30 days from the date of this order, plaintiff is ORDERED to submit copies of the Act of February 18, 1891, the Act of February 18, 1899, and the Act of February 22, 1905. The parties are FURTHERED ORDERED to submit an official plat map, not reduced in size, of defendants' property located within Section Sixteen, Township Seventeen, South of Range Twelve East of the Willamette Meridian.

Plaintiff's Motion for Partial Summary Judgment (doc. 232) and Defendants Robbins, Alvis, DeJarnatt, and Ross's Cross-Motion for Summary Judgment (doc. 235) shall be taken under advisement as of September 22, 2006.

IT IS SO ORDERED.

Dated this 15 day of August, 2006.



Ann Aiken
United States District Judge